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ar Mr. Greenstein:

.Subsequent to my return to the United States from Switzerland on November 2, I s apprised of a number of patently distorted and untrue references to me printed the July 13 issue of the New Yorker. Such references are contained in an article tled "A REPORTER AT LARGE," by Edward Jay Epstein, which purports to be a critique the New Orleans investigation into the death of President Kennedy. They may be nd on pages 58 and 59.

Thus far I have been unable to ascertain Mr. Epstein's sources of information, ugh it appears that one of them may very well be a conglomeration of fact and cy which was printed about me in the January 1968 issue of Ramparts magazine. An uiry has determined that Mr. Jim Garrison, the Orleans Parish district attorney, not furnish Mr. Epstein with the falsities he has written about me. And if Mr. tein obtained the ingredients for his fable from Mr. William R. Martin, whom he conveniently fails to identify as a former agent of the Central Intelligence ncy assigned to Latin American operations, then I think he should be informed t Mr. Martin has every reason to grind a personal axe in this affair. This, ever, if it is the case, does not relieve Mr. Epstein from his responsibilities a reporter anymore than it relieves the New Yorker from liability in publishing tales.

Following are some facts which might best be considered by the New Yorker, icularly if I must seek remedy in this matter through litigation:

On September 20, 1963, I was arrested at El Paso, Texas, and charged with having red a federally insured bank with intent to rob and with having attempted to it robbery in violation of Section 2113 (a), Title 18, U.S.C.A. (the charge of empt" was eventually dropped by the government). Specifically, I was accused of ng "intended" to take by force and violence one hundred dollars worth of Travelers ks. After two trials, held in May 1964 and September 1966, respectively, I was e convicted and twice sentenced to a maximum term of ten years in custody of the rney General. Most of my ensuing confinement was spent in the El Paso County and at the U.S. Penitentiary, Leavenworth, Kansas. Prior to each trial I was te the U.S. Medical Center for Federal Prisoners, Springfield, Missouri, for a hiatric examination to determine my mental competency to stand trial. At the time Martin interviewed me in 1967, I was at the aforesaid institution for a similar ination as a result of my having been referred for parole. I was not sent to the M.C.F.P. for psychiatric treatment, nor did I receive any. On each occasion a cal determination found me quite mentally competent. Also, before each trial on nerits a judicial determination found me mentally competent to stand trial. And, hardly accurate reporting to classify the U.S. Medical Center for Federal oners as an "institution for the criminally insane," as Mr. Epstein has done. I add that I have never in my life been certified insane by any medical authority ave I ever been adjudicated mentally incompetent in a court of law, notwithstanding onflicting legal and medical opinions as to my mental status on the date of the ed offense over five years ago.

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On April 5, 1966, the U.S. Court of Appeals for the Fifth Circuit directed a judgement of acquittal in my case due to the insufficiency of the evidence presented by the prosecution and following a routine delay I was released from custody on April 29. Shortly thereafter I departed the United States for Switzerland, and, as the enclosed copy of an AP dispatch indicates, I ended up in an East German prison after having been arrested during a train trip to West Berlin. I mention the latter simply to show why I was not apprised of the New Yorker article before now.

Continuing with Mr. Epstein's references to me: I have never claimed that I had deliberately got myself arrested in order to provide myself with "an alibi" for my involvement in the assassination conspiracy." The only times that I have ever given even a partial explanation for my conduct on the date of the alleged offense was in a signed statement given to the Federal Bureau of Investigation on January 6, 1964; at my first trial in May 1964; and in a handwritten testimony dated September 19, 1966, which I had proposed to read at my second trial, but which, instead, was given to a relative for safekeeping when I was told that I would not be permitted to testify. Regarding the first instance, I shall leave it up to the FBI to disclose the contents of my statement, if it so desires. The second instance is adduced to in the appellate court opinion reversing my first conviction, namely, that "I thought it (my arrest) would provide a solution however temporary or immediate to a problem, that I considered at the time to be an unbearable problem, with which I was confronted." In the third instance I wrote, "The reason I did what I did in the bank three years ago was for the sole purpose of having myself arrested and detained temporarily by federal authorities."

I have never stated that I was involved in what Mr. Epstein so loosely refers to as "the assassination conspiracy," obviously alluding to Mr. Garrison's findings. The closest that I ever came to Mr. Epstein's fancy was in the aforementioned handwritten testimony (written before Mr. Garrison initiated his investigation) in which I stated: " . . . I feel it pertinent to advise the Court that such testimony will necessarily link me, however obliquely, with a domestic-inspired, domestic-formulated and domestic-sponsored conspiracy to assassinate a Chief Executive of the United States and other highly-placed government officials. But I want it to be clearly understood that this link stemmed from my cognizance of the conspiracy rather than my participation in it."

Regarding Mr. Epstein's next reference, " . . . that his part in it, he said, had been to kill Oswald, who was the 'patsy.'" On June 6, 1967, I informed Mr. Martin, precisely as I had informed proper authority on September 13 or 17, 1963, that I had received instructions to "take care of" Lee Oswald, that is, to kill him, in September 1963. I refused to elaborate on this matter to Mr. Martin. I gave substantially the same information to Mr. Garrison at New York on May 14, 1968, without elaboration. I have never stated to anybody that I was instructed to "shoot" Mr. Oswald or that I was instructed to kill him "after the assassination," as Ramparts, the New Yorker and the magazines have either claimed or indicated at one time or another.

Regarding Mr. Epstein's next reference, to brain damage that I allegedly sustained in an airplane crash "in 1957": On November 28, 1954, I survived the crash of a B-25 bomber near Friendship International Airport, Baltimore, Maryland. I was hospitalized for a concussion and other injuries at Bolling Air Force Base and at Walter Reed Army Hospital. Subsequent to my recovery several months later I appeared before a Medical Board and was returned to full military duty, which, at the time, was a counter-intelligence assignment. Further, in September 1955 I was granted a final-type security clearance of Top Secret after a thorough investigation which included both a physical and psychiatric examination and a perusal of my medical records. I shall stand by the following excerpt taken from a Report of Psychiatric Examination dated June 17, 1956, signed by Joseph F. Alderete, M.D., Chief, Neuropsychiatric Service, U.S. Medical

Center for Federal Prisoners (which is supported by five psychiatrists and neuro-psychiatrists) then in residence at the U.S.M.C.F.P., Drs. [illegible]nsky, Buschman, Hildrith, Moreau and Parlato. "I can point out that on the basis of my examination and my laboratory findings including an EEG and psychological testing that I did not find any evidence or finding suggestible of brain damage."

To continue: I have never stated or "insisted" that I "had proof of the conspiracy in the form of tape recordings stashed away in a steamer trunk in California." When Mr. Garrison's investigation was made public I informed him in writing and through a relative that a friend of mine had in his possession an item of physical evidence which would substantiate the existence of a conspiracy to murder the president during the latter part of September 1963. To Mr. Martin I stated verbally that the item was my property, that it consisted of a small, composite recording tape being kept for me by a friend, which, when played, would reveal four voices, one of them belonging to Mr. Oswald. I further stated to Mr. Martin that the beginning of the conversation recorded on the tape would be in the Spanish language, that it had been recorded at Houston, Texas, between August 23 and August 27, 1963, and that the balance of the conversation was in English. It was Mr. Martin who advised me, in writing, that my friend had told him that the aforementioned "item of physical evidence" was the subject of a burglary sometime in 1964. And, I have never made the statement attributed to me by Mr. Epstein, that "They've stolen the tapes."

Lastly, I have never made any statement to the effect that "the plan was to have him (Oswald) shot as a cop killer in the Texas theatre 'while resisting arrest.'" In this regard Mr. Epstein has taken the liberty to claim "the whole thing was one of Nagell's tales."

Needless to say, I am asking for a retraction of Mr. Epstein's allegations and innuendoes concerning me and I request that it be set forth in the same publication that printed Mr. Epstein's tall tale.

Very truly yours,

Richard C. Nagell

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